

1 J. Stephen Peek (1758)
 Erica C. Medley (13959)
 2 HOLLAND & HART LLP
 9555 Hillwood Drive, 2nd Floor
 3 Las Vegas, NV 89134
 Tel: 702.669.4600
 4 Fax: 702.669.4650
 speak@hollandhart.com
 5 ecmedley@hollandhart.com

6 Tariq Mundiya (*pro hac vice*)
 7 Jeffrey B. Korn (*pro hac vice*)
 WILLKIE FARR & GALLAGHER LLP
 8 787 Seventh Avenue
 New York, New York 10019
 9 (212) 728-8000
 tmundiya@willkie.com
 10 jkorn@willkie.com

11 Michael J. Gottlieb (*pro hac vice*)
 WILLKIE FARR & GALLAGHER LLP
 12 1875 K Street, NW
 Washington, DC 20006
 13 (202) 303-1000
 mgottlieb@willkie.com
 14

15 *Attorneys for Plaintiffs*
Jysan Holding, LLC; and
 16 *Jusan Technologies Ltd.*

17 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

18 JYSAN HOLDING, LLC, a Nevada Limited
 19 Liability Company; JUSAN
 TECHNOLOGIES LTD, an England and
 20 Wales Limited Company;

21 Plaintiffs,

22 v.

23 REPUBLIC OF KAZAKHSTAN, a foreign
 sovereign state; THE AGENCY FOR
 24 REGULATION AND DEVELOPMENT OF
 THE FINANCIAL MARKET OF THE
 25 REPUBLIC OF KAZAKHSTAN, a
 Kazakhstan Government agency; THE ANTI-
 26 CORRUPTION AGENCY OF THE
 REPUBLIC OF KAZAKHSTAN, a
 27 Kazakhstan Government anti-corruption
 agency ; THE FINANCIAL MONITORING
 28 AGENCY OF THE REPUBLIC OF

Case No.: 2:23-CV-00247-JAD-VCF

**MOTION FOR SERVICE OF THE
 SUMMONS AND COMPLAINT ON
 INDIVIDUAL IN A FOREIGN
 COUNTRY PURSUANT TO
 FRCP 4(f)(2)(C)(ii)**

1 KAZAKHSTAN, a Kazakhstan Government
 2 agency; THE COMMITTEE FOR
 3 NATIONAL SECURITY OF
 4 KAZAKHSTAN, a Kazakhstan Government
 5 intelligence agency; MADINA
 6 ABYLKASSYMOVA, an individual;
 7 OLZHAS KIZATOV, an individual; ARMAN
 8 OMARBEBKOV, an individual; and
 9 ADILBEK DZHAKSYBEKOV, an
 10 individual,

11 Defendants.

12 Plaintiffs Jysan Holding, LLC (“Jysan Holding”) and Jusan Technologies Ltd. (“JTL”)
 13 (collectively, “Plaintiffs”), in accordance with Federal Rule of Civil Procedure
 14 (“FRCP”) 4(f)(2)(C)(ii), hereby move for an Order directing the Clerk of the Court to effect
 15 service of the Complaint, Summons, and the Russian translations thereof, on Defendant
 16 Adilbek Dzhaksybekov, via tracked international mail (i.e., DHL) with signed return receipt
 17 requested, at the address identified below. Plaintiffs further propose to furnish the Clerk of
 18 the Court with all necessary documents to effect service, including paper copies of the
 19 Complaint, Summons, and the Russian translations thereof, along with an international courier
 20 envelope and pre-addressed, pre-paid international shipment waybill.

21 **Adilbek Dzhaksybekov**
 22 14, Yelim-Ay Street
 23 Ak-Bulak–4 Microdistrict
 24 Astana, 010010
 25 Republic of Kazakhstan

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28 ///

DATED this 21st day of March 2023.

HOLLAND & HART LLP

/s/ J. Stephen Peek

J. Stephen Peek
Erica C. Medley
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

Tariq Mundiya (*pro hac vice*)
Jeffrey B. Korn (*pro hac vice*)
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, New York 10019

Michael J. Gottlieb (*pro hac vice*)
WILLKIE FARR & GALLAGHER LLP
1875 K Street, NW
Washington, DC 20006

Attorneys for Plaintiffs

HOLLAND & HART LLP
9555 HILLWOOD DRIVE, 2ND FLOOR
LAS VEGAS, NV 89134

MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

Plaintiffs move for an Order directing the Clerk of the Court to effect service of the Complaint, Summons, and the Russian translations thereof, on Defendant Adilbek Dzhaksybekov pursuant to FRCP 4(f)(2)(C)(ii), which permits service on an individual in a foreign country using any tracked international mail that the Clerk addresses and sends to the individual and that requires a returned receipt. Plaintiffs request mailed service upon Defendant Dzhaksybekov in the Republic of Kazakhstan (“Kazakhstan”) under FRCP 4(f)(2)(C)(ii) in order to provide him with the best and most expeditious service of the Complaint and Summons.

II. FACTS AND PROCEDURAL HISTORY

On February 16, 2023, Plaintiffs filed their Complaint in this action. *See* ECF No. 1. On February 21, 2023, Plaintiffs submitted to the Court proposed summonses to be issued to all Defendants. *See* ECF No. 4. The next day, the Clerk issued the summonses. *See* ECF No. 5.

Four of the nine Defendants in this action are individuals (the “Individual Defendants”) located in a foreign country—Kazakhstan. On March 8, 2023, Plaintiffs filed their Motion for Service of the Summons and Complaint on Individuals in a Foreign Country Pursuant to FRCP 4(f)(2)(C)(ii) to request an Order directing the Clerk of the Court to effect service on three of the Individual Defendants—Madina Abylkassymova, Olzhas Kizatov, and Arman Omarbekov—via tracked international mail with signed return receipt requested. *See* ECF Nos. 15-16. In the Motion, Plaintiffs explained that they were “diligently working to obtain an address or alternate contact information for the remaining Individual Defendant—Adilbek Dzhaksybekov. ECF No. 15, at 4. The Court granted Plaintiffs’ Motion on March 10, 2023. *See* ECF No. 17. On March 15, 2023, Plaintiffs furnished the Clerk with the necessary documents, packages, and international shipment waybills, and the Clerk commenced service on Individual Defendants Abylkassymova, Kizatov, and Omarbekov via DHL with signed return receipt requested.

1 Plaintiffs are prepared to serve Individual Defendant Dzhaksybekov in the same manner,
 2 and accordingly file the instant Motion for an Order directing the Clerk of the Court to effect
 3 service pursuant to FRCP 4(f)(2)(C)(ii).

4 III. LEGAL ARGUMENT

5 Plaintiffs seek to serve Defendant Dzhaksybekov in Kazakhstan, which is a signatory to
 6 the Hague Service Convention. “[I]n cases governed by the Hague Service Convention, service
 7 by mail is permissible if two conditions are met: first, the receiving state has not objected to
 8 service by mail; and second, service by mail is authorized under otherwise-applicable law.”
 9 *Water Splash, Inc. v. Menon*, 581 U.S. 271, 284 (2017). Both conditions are met here.

10 First, the Hague Service Convention allows mail service under Article 10(a),
 11 stating, “[p]rovided the State of destination does not object, the present Convention shall not
 12 interfere with . . . the freedom to send judicial documents, by postal channels, directly to
 13 persons abroad” Kazakhstan has not objected to Article 10(a) of the Hague Service
 14 Convention.¹

15 Second, service by mail is authorized under otherwise applicable law, that is, the law of
 16 the forum in which the case is pending. Pursuant to FRCP 4(f)(2)(C)(ii), “an individual . . . may
 17 be served at a place not within any judicial district of the United States . . . if an international
 18 agreement allows but does not specify other means, by a method that is reasonably calculated
 19 to give notice . . . unless prohibited by the foreign country’s laws, by[] . . . using any form of
 20 mail that the clerk addresses and sends to the individual and that requires a signed receipt.”
 21 (emphases added). *See Brockmeyer v. May*, 383 F.3d 798, 804-05 (9th Cir. 2004) (stating that
 22 Rule 4(f)(2)(C)(ii) provides “[e]xplicit, affirmative authorization for service by international
 23 mail” and that “[t]his rule authorizes service abroad by mail for which a signed receipt is
 24 required, when such mail is addressed and mailed by the clerk of the federal district court in
 25 which the suit is filed”).

26
 27 ¹ Republic of Kazakhstan’s Declarations to the Hague Service Convention, *available at*
 28 <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1320&disp=resdn>
 (last accessed March 20, 2023).

1 Plaintiffs accordingly may serve Defendant Dzhaksybekov in Kazakhstan by mail as
2 permitted pursuant to the Hague Service Convention and FRCP 4(f)(2)(C)(ii). This Court
3 granted Plaintiffs' substantively identical request to serve the other three Individual Defendants
4 in this manner, *see* ECF Nos. 15-17, and it has previously granted similar requests for service
5 of foreign defendants via international registered mail pursuant to FRCP 4(f)(2)(C)(ii). *See*
6 Order granting re 56 Motion for Service of the Amended Complaint and Summons in a Foreign
7 Country Pursuant to FRCP 4(f)(2)(C)(ii), *U.S. Philips Corp. v. Synergy Dynamics Int'l, LLC*
8 *et al.*, No. CV-S-05-0577-PMP (GWF) (D. Nev. Nov. 30, 2005), ECF Nos. 56, 60.

9 To assist the Clerk with effecting service on Defendant Dzhaksybekov in Kazakhstan,
10 Plaintiffs are prepared to promptly furnish the Clerk's office with the following: (i) a copy of
11 this Court's Order directing the Clerk to effect service of the Complaint and Summons on
12 Defendant Dzhaksybekov; (ii) one copy of the Complaint; (iii) one copy of the Summons
13 issued by the Clerk for Defendant Dzhaksybekov; (iv) Russian translations of the Complaint
14 and Summons;² (iv) one international mail (i.e., DHL) envelope; and (v) one pre-paid
15 international shipment waybill filled out and addressed to Defendant Dzhaksybekov with
16 signed return receipt requested, Plaintiffs' counsel listed as the sender and return address, and
17 Plaintiffs' counsel's payer account number listed for payment for shipment of the return receipt.
18 If helpful, Plaintiffs will also arrange for the package to be picked up from the Clerk's office
19 and/or dropped off for international mail service.

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27 ² **Exhibit A** is a compilation of the Complaint, Summons, and the Russian translations thereof for
28 Defendant Dzhaksybekov. While Plaintiffs will provide paper copies to the Clerk along with the
associated envelope and pre-paid international shipment waybill, Plaintiffs attach these documents as
an exhibit for the Court's review.

IV. CONCLUSION

Based upon the foregoing, Plaintiffs respectfully request that the Court direct the Clerk of the Court to effect service of the Complaint, Summons, and the Russian translations thereof, upon Defendant Dzhaksybekov via tracked international mail service with signed return receipt requested, pursuant to FRCP 4(f)(2)(C)(ii).

DATED this 21st day of March 2023.

HOLLAND & HART LLP

/s/ J. Stephen Peek

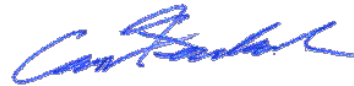
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787 Seventh Avenue
New York, New York 10019

Michael J. Gottlieb (*pro hac vice*)
WILLKIE FARR & GALLAGHER LLP
1875 K Street, NW
Washington, DC 20006

Attorneys for Plaintiffs

IT IS SO ORDERED.



Cam Ferenbach
United States Magistrate Judge

DATED 3-29-2023

HOLLAND & HART LLP
9555 HILLWOOD DRIVE, 2ND FLOOR
LAS VEGAS, NV 89134

INDEX OF EXHIBITS

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